

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CHARLES R. GORTON,

Plaintiff,

v.

OFFICER BICK, et. al.,

Defendants.

CV F- 05-0354 REC DLB P

ORDER DENYING MOTION FOR
DISCOVERY
[DOC 13]

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action pursuant to 42 U.S.C. sec. 1983. On October 7, 2005, plaintiff filed a motion for discovery. The discovery phase of this litigation is not yet open. Plaintiff is directed to paragraph eight of the court's First Informational Order, filed April 1, 2005. In that order, plaintiff was specifically informed that he may not conduct discovery until defendants file an answer and the court issues the discovery order.

In addition, once discovery is open, court permission is not necessary for discovery requests. Discovery is self-executing until such time as a party becomes dissatisfied with a response and seeks relief from the court pursuant to the Federal Rules of Civil Procedure. Interrogatories, requests for admissions, requests for production of documents, and responses thereto shall not be filed with the

1 court until there is a proceeding in which the document or proof of service is at issue. Such
2 documents are to be served on the opposing party, and not with the court. Local Rule 33-250, 36-
3 250. Discovery requests improperly filed with the court shall be stricken from the record.

4 Accordingly, for the foregoing reasons, plaintiff's motion for discovery is DENIED.

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6
7 IT IS SO ORDERED.

8 **Dated: October 12, 2005**
9 3c0hj8

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE